

PHILIP MORRIS INCORPORATED

INTER-OFFICE CORRESPONDENCE

120 PARK AVENUE, NEW YORK, N.Y. 10017

TO: Distribution

FROM: G. C. Adkins

SUBJECT: Barclay -- Brown & Williamson v. FTC

DATE: March 20, 1984

You will recall that Brown & Williamson brought suit against the Federal Trade Commission in June 1982, following the FTC's first announcement of its position concerning Barclay. The suit, which sought to enjoin further FTC action against Barclay, was dismissed by the federal district court in Louisville in September 1982, and the dismissal was affirmed last June by the U.S. Court of Appeals for the Sixth Circuit. Brown & Williamson then filed a petition for certiorari seeking review by the Supreme Court of the United States. The Supreme Court yesterday declined to hear the case, and that litigation is thus concluded.

In the FTC's separate action against Brown & Williamson, which resulted last fall in an injunction against numerical "tar" claims in Barclay advertising, Brown & Williamson's appeal remains pending, and we do not expect a decision on the appeal in the near future.

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